

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

RONNIE D. WHITENER,

Plaintiff,

v.

No. 1:17-cv-01241-JDB-jay

TONY PARKER, ET AL.,

Defendants.

ORDER TO ENTER JUDGMENT AND
CERTIFYING APPEAL WOULD NOT BE TAKEN IN GOOD FAITH

Plaintiff, Ronnie D. Whitener, acting *pro se*, filed this complaint under 42 U.S.C. § 1983 on December 14, 2017. (Docket Entry (“D.E.”) 1.) The Court issued an order on March 4, 2019, dismissing the complaint and granting Whitener leave to file an amended complaint. (D.E. 11.) Plaintiff was warned that if he failed to file an amended complaint within 30 days, the Court would assess a strike pursuant to 28 U.S.C. § 1915(g) and enter judgment. (*Id.* at PageID 55.)

Plaintiff has not filed an amended complaint and the time for him to do so has expired. Therefore, judgment shall enter in accordance with the March 4, 2019, order dismissing Whitener’s complaint for failure to state a claim. Plaintiff is assessed his first strike under 28 U.S.C. § 1915(g). This strike shall take effect when judgment is entered. *See Coleman v. Tollefson*, 135 S. Ct. 1759, 1763–64 (2015).

The Court hereby CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a), that an appeal by Plaintiff in this case would not be taken in good faith. Leave to appeal *in forma pauperis* is DENIED.

IT IS SO ORDERED this 11th day of April, 2019.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE